

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. : 05-185 E

v.

JANET MARIE BEATTY

Defendants,

MOTION FOR DEFAULT AND DEFAULT JUDGMENT

AND NOW, comes the Plaintiff, the United States of America, acting through the United States Department of Agriculture, Rural Housing Service, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania and the Bernstein Law Firm, P. C. and pursuant to Rules 55(a) and 55(b)(2) of the Federal Rules of Civil Procedure, respectfully moves the Court to enter Default and Judgment by Default in favor of Plaintiff, the United States of America, and against Defendant, Janet Marie Beatty. In further support of Its Motion, the United States respectfully avers as follows:

1. On June 14, 2005, Plaintiff, the United States of America, filed a Complaint in Mortgage Foreclosure against the Defendant, Janet Marie Beatty
2. On June 21, 2005, Defendant, Janet Marie Beatty, was mailed a copy of the Complaint and a Notice of Lawsuit and Request for Waiver of Service of Summons
3. Defendant, Janet Marie Beatty executed the Waiver of Service of Summons on June 18, 2005
4. Defendant, Janet Marie Beatty, has not answered or asserted any defense in this action as provided by the Federal Rules of Civil Procedure.
5. To the best of Plaintiff's knowledge, information and belief, Defendant, Janet Marie Beatty, is not an infant or incompetent person and is not in the military service of the United States of America.

6. The amounts due Plaintiff from Defendant on Count I are as follows:

(a) Principal and Advances	\$24,656.52
(b) Interest to September 30, 2004	\$ 2,546.03
(c) Interest from October 1, 2004 to September 9, 2005	
At the daily rate of \$5.65	\$ 1,943.60
(d) Interest Credit Subject to Recapture	\$17,368.84
Total	\$46,514.99

together with interest at 11.875% per annum to the date of Judgment, plus interest accruing from the date of Judgment at the legal rate and costs.

7. The amounts due Plaintiff from Defendant on Count II are as follows:

(a) Principal and Advances	\$14,882.29
(b) Interest to September 30, 2004	\$ 2,183.67
(c) Interest from October 1, 2004 to September 9, 2005	
At the daily rate of \$4.84	\$ 1,664.96
(d) Interest Credit Subject to Recapture	\$14,771.92
Total	\$33,502.84

together with interest at 11.875% per annum to the date of Judgment, plus interest accruing from the date of Judgment at the legal rate and costs.


8. The total indebtedness due Plaintiff in both Count I and Count II, through September 9, 2005 is \$80,017.83.

WHEREFORE, Plaintiff, the United States of America, respectfully request the Court:

a. Grant Plaintiff's Motion and, accordingly, enter Default and Judgment against Defendant;

- b That the Plaintiff be paid the amount adjudged to be due and owing Plaintiff, with Interest thereon to the time of such payment, together with costs and expenses incurred by this action and by any sale of the subject property;
- c. Expose the subject property to sale for the purpose of satisfying Plaintiffs' Judgment; and
- d. Grant Plaintiff such other and further relief as the Court deems just and proper.

Respectfully submitted,
MARY BETH BUCHANAN
United States Attorney,



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